

*Legal Dec. 1948  
Legal Division*

16 April 1948

Files

General Counsel

Disclosure of Information:

1. At the request of Mr. George Gray of the Office of the Legal Adviser to the Department of State, a meeting was held in the ICAPS Conference Room at 10 a.m. on 16 April 1948 to consider the subject of requests for information and subpoenas by committees of Congress. Those present were Mr. Alan Evans of the State Intelligence Research Division, Mr. George Gray of the State Department's Legal Adviser's Office, Colonel Blakeley of the Military Intelligence Division of the Department of the Army, Colonel Jordan of the Legislative Liaison Division of the Department of the Army, Captain Bryant from the Navy Department, Mr. Wilson from the Navy Department, Mr. Hollis from the Atomic Energy Commission, Mr. Houston and Mr. Pforzheimer of CIA.

2. The discussion was general of the problems involved in requests from the Congress for information. The internal handling of such requests by the different agencies was discussed, and it was found that the procedures were similar. In each case, there was a focal point for all responsible for handling all Congressional inquiries and for coordinating to get first, a security ruling on the information required, and, secondly, a departmental policy rule. All present concurred that every effort was made in each case on a formal request from a committee to declassify, if possible, the material requested and to cooperate insofar as possible with the committee. All concurred further that under no circumstances would intelligence sources or methods be revealed. The special responsibility of the Director of Central Intelligence in this connection was mentioned by Mr. Gray.

3. Mr. Hollis mentioned that special legislation created a specific relationship between the Atomic Energy Commission and the appropriate Congressional joint committee. It was unanimously agreed that whenever possible, if the information concerned originated outside the agency, the inquiry was turned over to the originating office. If such outside information was so interrelated as not to be separable, clearance would have to be obtained from the originating agency before the information could be released.

4. Various legal aspects of the question were discussed with the inconclusive result that the legal question of ultimate power to compel disclosure of information was still wide and that the question was still a practical one to be decided on the merits of each case. Some examples were explained and discussed. Mr. Evans pointed out that there had been, in the past year or so, one new and definitely troublesome development in that Congressional committees were more and more requiring their staffs to perform studies relating to international affairs and that the staffs, therefore, would come to the Department for intelligence information. Again, however, the question of how to handle the situation was more practical than legal.

5. The meeting broke up on the general understanding that there was no action which could be taken to change the current situation.

LAWRENCE R. HOUSTON

LH:erbt